

REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated August 10, 2004. Claims 1-10 are currently pending in this application. It is gratefully acknowledged that the Examiner has allowed Claims 1-5 and 8-10.

In the Office Action, Claims 6-7 have now been rejected under 35 U.S.C. §103(a) as being unpatentable over the Applicant's Admitted Prior Art (AAPA) in view of *Buskens et. al* (U.S. Patent No. 5,943,334).

With regard to the rejection of independent Claim 6, the Examiner asserts that the AAPA teaches all the recitations of Claim 6, except for assigning to the mobile station a traffic channel by the searched base station using a physical channel used for data transmission, which the Examiner asserts is taught in *Buskens* (column 2, lines 20-32). However, it is respectfully submitted that the Examiner is incorrect.

The cited section of *Buskens* reads as follows:

In the preferred embodiment, a mobile terminal includes a reconnection processor used for interaction with a base station over a reconnection channel. Upon detection of call disconnect, the reconnection processor tunes to a reconnection channel established by a base station. The mobile terminal and base station use a reconnection protocol to exchange information regarding reconnection. For example, information transmitted over the reconnection channel may be used by the mobile terminal for tuning to new air traffic channels so that the call may be continued. Alternatively, the mobile terminal may request new air traffic channels by transmitting signals over the reconnection channel.


As indicated above, *Buskens* recites reconnecting a dropped call using a reconnection channel. It is respectfully submitted that the reconnection channel in *Buskens* is not a physical channel used for data transmission, as recited in Claim 6. That is, the reconnection channel in *Buskens* is an equivalent of a paging channel, not a physical channel used for data transmission. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claim 6, and it is respectfully requested that the rejection be withdrawn.

With regard to dependent Claim 7, the Examiner has presented no argument or indication as to where or how the *AAPA* in view of *Buskens* renders the Claim 7 unpatentable. Therefore, as Claim 7 recites wherein the physical channel for data transmission is one of a supplemental channel and a common control channel, which there is no teaching of in the *AAPA* in view of *Buskens*, it is respectfully submitted that the Examiner has failed to make a complete examination of the pending claims. Accordingly, it is respectfully requested that the Examiner make a complete examination of the pending claims so that the Applicant may have a chance to completely respond.

Further, without conceding patentability per se of dependent Claim 7, it is respectfully submitted that the rejection of Claim 7 under 35 U.S.C. § 103(a) should be withdrawn by virtue of its dependence on Claim 6.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-10 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel. (516) 228-8484
PJF/DMO/las